IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3366 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DHARMENDRASINH CHANDUBHA SARVAIYA AND OTHERS
Versus
STATE OF GUJARAT

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Appearance :
MR SHAKTISINH GOHIL for Applicants.
MR AY KOGJE, APP for Respondent.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/04/2007

ORAL JUDGMENT

1) RULE. Mr.A.Y.Kogje, learned APP waives service on behalf of the State.

2) Learned advocate Shri Gohil for the applicants does not press this application for applicants no.1 and 3.

3) Considering the fact that applicant no.2 is stated to be a student studying in a technical course in Bhavnagar, whereas alleged incident is stated to have taken place in Talaja, it is directed that in case of his arrest pursuant to I.C.R.No.22/2007 dated 12-2-2007 filed before Talaja Police Station, he shall be released on bail on furnishing security of Rs.10,000/- with one surety of like amount on conditions that the applicant ;

[A] shall cooperate with the investigation and make himself available for interrogation whenever required.

[B] shall remain present at the concerned Police Station on 23rd April, 2007 between 9 a.m. to 2 p.m. ;

[C] shall not hamper the investigation in any manner nor shall directly or indirectly make any inducement, threat or promise to any witness so as to dissuade them from disclosing such facts to the Court or to any Police Officer;

[D] at the time of execution of bond, furnish the address to the Investigating Officer and the Court concerned and shall not change the residence till the final disposal of the case or till further orders;

[E] will not leave India without the permission of the Court and, if is holding a Passport, shall surrender the same before the trial Court within a week;

[F] It would be open to the Investigating Officer to file an application for remand, if he considers it just and proper and the concerned Magistrate would decide it on merits.

[G] This order will be operative if the applicant is arrested at any time within a period of 90 days from today .

[H] Within a period of ten days from the date of arrest, the applicant shall apply for regular bail which application shall be decided by the competent Court in accordance with law without being influenced by the fact that anticipatory bail was granted.

4) With these directions, this Criminal Misc. Application is disposed of. Rule is made absolute qua applicant no.2. Rule is discharged qua applicants No.1 and 3. Direct service is permitted.

(Akil Kureshi, J.)

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